REMARKS

Claims 1-20 are currently pending in the application. Claim 2 is hereby cancelled. New claims 21-28 are presented for consideration.

Claims 1, 6-9, 12-14 and 17 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 4,503,826, to Kessler et al (Kessler). Claims 3, 4 and 15 stand rejected under 35 USC §103 as obvious over Kessler in view of U.S. Patent No. 4,429,667 (Kawamura). Claim 5 stands rejected under 35 USC §103 as obvious over Kessler in view of Kawamura, and further in view of U.S. Patent No. 6,722,305 (Mizushima). Claims 10 and 11 stand rejected under 35 USC §103 as obvious over Kessler in view of U.S. Patent Publication No. 2003/0085308 (Parrish). Claims 16-19 and 20 stand rejected under 35 USC §103 as obvious over Kessler in view of Kawamura, and further in view of U.S. Patent No. 6,009,856, to Smith III et al (Smith).

Reconsideration of the rejection of claims 1 and 3-20, and favorable consideration of new claims 21-28 are requested.

Claim 2 does not stand rejected based upon any prior art. The limitations in claim 2 have been added to claim 1 so that claim 1 is in allowable form.

Claims 3-7 each depends from claim 1 and recites further significant structural detail to further distinguish over the cited art.

Each of claims 8 and 13 characterizes the valve as having operating components in a housing, with the casing extending around the housing and enclosing at least a part of the valve.

In JP-A-H09-119714 (Japan '714), newly cited in an Information Disclosure Statement, filed concurrently herewith, there is disclosure of a hard valve box 71 and a

silencing member 80 that together function as the recited housing in claims 8 and 13. Japan '714 does not teach or suggest a casing that is separate from such a housing, as required in each of claims 8 and 13.

Claim 13 also requires an elastic member between the valve housing and casing that is further absent from Japan '714.

The remaining initially filed claims (9-12 and 14-20), each depends from one of claims 8 and 13 and further distinguishes over the prior art cited by the Examiner.

New claim 21 depends from claim 1 and further recites at least one elastic member interposed between the intermittently operating valve and the casing.

Claim 22 corresponds to claim 1, as originally filed, and further characterizes the combustion apparatus as including a return canal that communicates unburnt fuel back towards a tank, with the intermittently operating valve being disposed in the return canal.

The prior art cited by the Examiner, as well as the prior art cited in the Information Disclosure Statement, submitted concurrently herewith, does not teach an intermittently operating valve in a return canal.

Claims 23-26 depend successively from claims 1, 8, 13 and 22 and characterize the intermittently operating valve as repeatedly opened and closed at given time intervals. This claim is included only for clarification of the intermittent operation of the valve.

New claim 27 depends from claim 1 and characterizes the intermittently operated valve as disposed in a return canal that communicates unburnt fuel back towards a tank. The same limitation is added to claim 8 by new claim 28.

As noted above, the prior art lacks any teaching or suggestion of this structure.

Reconsideration of the rejection of claims 1 and 3-20, favorable consideration of new claims 2-28, and allowance of the case are requested.

The extra claim fee of $550.00 is enclosed. Please charge any additional fees to our deposit account No. 23-0785.

Respectfully submitted,

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Date: Dec 14, 2005